



## Senate

General Assembly

January Session, 2007

**File No. 444**

Senate Bill No. 1144

*Senate, April 11, 2007*

The Committee on Government Administration and Elections reported through SEN. SLOSSBERG of the 14th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### ***AN ACT ESTABLISHING A CENTRAL INDEX FOR ADVANCE HEALTH CARE DIRECTIVES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1       Section 1. (NEW) (*Effective October 1, 2007*) (a) On or before January  
2       1, 2009, the Secretary of the State shall establish and administer, or  
3       contract for the establishment and administration of, a central index  
4       for advance health care directives, as defined in section 19a-570 of the  
5       general statutes. The Secretary of the State shall prescribe a registration  
6       form for purposes of such central index that contains (1) the  
7       registrant's full name and mailing address, and (2) an indication of the  
8       advance health care directives that the registrant is submitting  
9       pursuant to subsection (b) of this section. The Secretary of the State  
10      may prescribe such other forms as the Secretary deems necessary for  
11      operating the central index.
- 12      (b) A person may submit a copy of any of the following documents  
13      or revocations of such documents, together with the registration form

14 prescribed pursuant to subsection (a) of this section, to the Secretary of  
15 the State for inclusion in the advance health care directives central  
16 index established pursuant to subsection (a) of this section:

17 (1) Documents containing directions about administration,  
18 withholding or withdrawal of specific life support systems, created in  
19 accordance with section 19a-575 of the general statutes;

20 (2) Documents containing health care instructions, the appointment  
21 of a health care representative, the designation of a conservator of the  
22 person for future incapacity or an anatomical gift, created in  
23 accordance with section 19a-575a of the general statutes;

24 (3) Documents concerning the appointment of a health care  
25 representative, created in accordance with section 19a-576 of the  
26 general statutes;

27 (4) Any other documents created in accordance with chapter 368w  
28 of the general statutes;

29 (5) Statutory short form powers of attorney for health care decisions,  
30 created in accordance with chapter 7 of the general statutes; and

31 (6) Any document similar to those specified in subdivisions (1) to  
32 (5), inclusive, of this subsection that represent a person's advance  
33 health care directives.

34 (c) Upon receipt of the registration form and a document described  
35 in subsection (b) of this section, the Secretary of the State, or the entity  
36 with whom the Secretary contracts for administration of the central  
37 index, shall create a reproduction of the document and index the  
38 reproduced document. The Secretary or the entity shall (1) assign a  
39 unique identifying number and password to each indexed document,  
40 and (2) after indexing the reproduced document into the central index,  
41 return the document to the person who submitted it, with a form  
42 prescribed by the Secretary that contains the document's file number  
43 and password.

44 (d) The Secretary of the State shall not review or provide any advice  
45 concerning any documents submitted for inclusion in the advance  
46 health care directives central index, including, but not limited to,  
47 advice concerning whether the documents are in compliance with  
48 applicable statutory requirements.

49 (e) The provisions of this section shall not be construed to invalidate  
50 (1) documents containing advance health care directives that are not  
51 submitted for inclusion in the central index, or (2) otherwise valid  
52 revocations of such documents in cases where the Secretary of the State  
53 has not been notified of the revocation.

54 (f) The entry of a document into the central index does not (1) affect  
55 the validity of the document in whole or in part, (2) relate to the  
56 accuracy of information contained in the document, or (3) create a  
57 presumption regarding the validity of the document, the accuracy of  
58 information contained in the document, or that the statutory  
59 requirements for the document have been satisfied.

60 (g) The Secretary of the State shall only disclose information in the  
61 advance health care directives central index to individuals who  
62 possess the valid file number and password for a document.

63 (h) Any document or record included in the advance health care  
64 directives central index, including file numbers, passwords and any  
65 other information maintained by the Secretary of the State pursuant to  
66 this section, shall not be deemed a public record and shall not be  
67 subject to disclosure under the provisions of section 1-210 of the  
68 general statutes.

69 (i) The Secretary of the State may adopt, in accordance with the  
70 provisions of chapter 54 of the general statutes, such regulations as are  
71 necessary to carry out the purposes of this section.

72 (j) The state of Connecticut, the Secretary of the State and any agent  
73 or person employed by the Secretary of the State shall be held harmless  
74 from any liability or causes of action arising out of the administration

75 or operation of the advance health care directives central index.

76 Sec. 2. Subsection (b) of section 1-210 of the general statutes is  
77 amended by adding subdivision (23) as follows (*Effective from passage*):

78 (NEW) (23) Records, documents or information pertaining to the  
79 central index for advance health care directives established under  
80 section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	New section
Sec. 2	<i>from passage</i>	1-210(b)

**PH** Joint Favorable C/R

GAE

**GAE** Joint Favorable

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Secretary of the State	GF - Cost	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires the Secretary of the State to establish and administer a central index for advance health care directives. The documents in the registry cannot be disclosed under the Freedom of Information (FOI) Act, as they are not public records.

The bill will result in a minimal cost associated with potential software, printing, and postage.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****SB 1144*****AN ACT ESTABLISHING A CENTRAL INDEX FOR ADVANCE HEALTH CARE DIRECTIVES.*****SUMMARY:**

By January 1, 2009, this bill requires the secretary of the state to establish and operate an advance health care directive central registry or contract with an entity to do so. Individuals can store various documents addressing health care decision making and instructions in this registry. Under the bill, the secretary of the state and any agent or person employed by her is not liable or subject to causes of action arising out of administration or operation of the registry. Documents in the registry are not public records and cannot be disclosed under the Freedom of Information (FOI) Act.

EFFECTIVE DATE: October 1, 2007, except that the section adding central registry documents to the list of FOI exemptions is effective upon passage.

**ADVANCE HEALTH CARE DIRECTIVE CENTRAL REGISTRY*****Eligible Documents***

Individuals can submit a copy of any of the following documents or revocation of them for inclusion in the registry:

1. documents with directions about administering, withholding, or withdrawing specific life support systems or any other document created according to the law on removal of life support;
2. documents with health care instructions, the appointment of a health care representative, the designation of a conservator of the person for future incapacity, and a document of anatomical

gift;

3. statutory short form powers of attorney created according to law;
4. documents concerning the appointment of a health care representative; and
5. any document similar to those above that represents a person's advance health care directives.

### ***Required Forms***

A document submitted to the registry must be accompanied by a form prescribed by the secretary of the state that contains (1) the registrant's full name and mailing address and (2) an indication of the advance health care directives that the registrant is submitting. The secretary can prescribe other forms as deemed necessary.

Following receipt of a document, the secretary or the contracting entity must reproduce and index the reproduction. Each indexed document must be assigned a unique identifying number and password. Following indexing, the document must be returned to the registrant along with a form from the secretary containing the document's file number and password.

The secretary must not review or provide any advice on the documents, including whether they comply with applicable statutes.

### ***Document Validity***

The bill specifies that its provisions should not be construed as invalidating (1) documents containing advance health care directives not submitted to the registry or (2) otherwise valid revocations of such documents where the secretary has been notified of the revocation.

The bill provides that entering the document in the index does not (1) affect its validity in whole or on part; (2) relate to the accuracy of information in the document; or (3) create a presumption that it is valid, the information in it is accurate, or the statutory requirements

for it have been met.

***Disclosure of Registry Information***

Under the bill, the secretary can only disclose information in the registry or index only to those with a valid document file number and password.

The bill specifies that any document or record included in the registry, including file numbers, passwords, and any other information maintained by the secretary, is not a public record and cannot be disclosed under the Freedom of Information Act.

The secretary of the state may adopt regulations necessary to carry out these provisions.

Under the bill, the state, secretary of the state, and any agent or person employed by her must be held harmless from any liability or cause of action arising from administering or operating the registry.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Change of Reference

Yea 25      Nay 2      (03/21/2007)

Government Administration and Elections Committee

Joint Favorable

Yea 13      Nay 0      (03/28/2007)